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ABSTRACT

This paper examines the state of employment opportunities for women and minorities in the Federal Bureau of Investigation (FBI). Statistics are presented to illustrate the low representation of women and minorities in professional positions within the FBI and suggestions are made for improving the employment status of these groups. Major areas addressed include FBI policies and practices affecting: (1) the structure and implementation of the Federal government's equal employment opportunity affirmative action program (EEO); (2) employee recruitment, selection, promotion, and training; and (3) the handling of discrimination complaints. Specific strategies for improving EEO program development and administration, for monitoring the FBI's employee selection process for discriminatory practices, and for modifying the FBI's counseling program are discussed. Comments of FBI officials are appended. (EB)

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REPORT BY THE

Comptroller General OF THE UNITED STATES

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The Federal Bureau Of Investigation Needs Better Representation Of Women And Minorities

The Subcommittee on Civil and Constitutional Rights, House Committee on the Judiciary, asked GAO to study and evaluate the affirmative action program of the Department of Justice and each of its component organizations.

Although the FBI's efforts to provide equal opportunity to all job candidates are good, its special agent work force remains predominantly nonminority males. Women and minorities are largely in clerical and support occupations and at lower grade levels.

The Director of the FBI has affirmed his intentions to move aggressively to improve the number of women and minorities in professional jobs at higher pay grades.

UNITED STATES GENERAL ACCOUNTING OFFICE

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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FPCD-78-58
JULY 10, 1978

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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-176929

The Honorable Don Edwards
Chairman, Subcommittee on Civil and
Constitutional Rights
Committee on the Judiciary
House of Representatives

Dear Mr. Chairman:

As requested in your July 29, 1976, letter, we have evaluated the affirmative action program of the Department of Justice and each of its component organizations. As specified in your request, our work focused on the entire range of policies and practices affecting (1) the structure and implementation of the affirmative action program, (2) employee recruitment, selection, promotion, training, and assignment, and (3) the discrimination complaint process.

Subsequently, you asked us to report to you on each of the Department of Justice's component organizations, and it was agreed that a consolidated report on the Department's overall equal employment opportunity affirmative action program would be issued to the Congress. This report concerns the Department of Justice's Federal Bureau of Investigation.

The report discusses the following aspects of the equal employment opportunity affirmative action program:

--The selection process should be monitored for systemic discriminatory practices.

--The program administration problems should be resolved.

--Improvements are needed in developing equal employment opportunity plans.

--Modifications are needed in the counseling program.

Agency comments were received too late to evaluate. They are included as appendix V to this report.

As arranged with your office, copies of this report are being sent to the Attorney General and the Director, FBI. After hearings scheduled for July 12, 1978, the report will be sent to interested parties and made available to others on request.

Sincerely yours,

Comptroller General
of the United States

COMPTROLLER GENERAL'S REPORT TO THE SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES

THE FEDERAL BUREAU OF INVESTIGATION NEEDS BETTER REPRESENTATION OF WOMEN AND MINORITIES

D I G E S T

Nonminority males continue to dominate key professional occupations at the Federal Bureau of Investigation (FBI) despite efforts to equalize the job distribution among its total work force. Several improvements are needed to promote a more effective affirmative action program.

From June 30, 1974, through December 31, 1976, the FBI's minority 1/ employment increased from 2,277 to 2,914, 11.6 to 14.5 percent of the permanent work force. The number of women employed on a permanent basis increased from 7,082 to 7,420, 36.2 to 37 percent.

As of December 31, 1976, the FBI's permanent work force totaled 20,062. Of this total, approximately 43 percent were in the key professional occupation of special agent. The remaining employees were in the "other occupations" category (technical, clerical, and blue-collar positions).

Although minorities represented 14.5 percent of the work force, 88.5 percent were employed in the other occupations category. Women represented 37 percent of the FBI's work force; however, 99.1 percent were employed in the other occupations category.

1/Minority persons are defined in this report as Blacks, Hispanics, Asian Americans, and Native Americans.

FPCD-78-58

Tear Sheet. Upon removal, the report cover date should be noted hereon.

As of December 31, 1976, minorities and women remained employed in the GS-2 through GS-7 grade range.

--Of the total 2,914 minority employees, 2,485, or 85.3 percent, were in grades GS-2 through GS-7. In comparison 43.2 percent of the total nonminorities were also in this grade range.

--Of the 7,420 women employed, approximately 92 percent were in this grade range.

As of March 31, 1978, the FBI's work force totaled 18,967. Of this total, 7,804 were special agents. Although minorities represented 16.4 percent of the work force, 88.7 percent of them were employed in other occupations. Women represented 38.4 percent of the work force; however, 98.8 percent were employed in the other occupations category. Of the 3,125 minorities employed by the FBI as of March 31, 1978, 2,659, or 85 percent, were in grades GS-2 through GS-7. Of the 7,282 women employed, 6,593, or 90.5 percent, were in these grades.

SELECTION PROCESS SHOULD BE MONITORED FOR SYSTEMIC DISCRIMINATORY PRACTICES

In an effort to determine if selection practices may be having an adverse effect on the hiring of minority and female agents, the Office of Equal Employment Opportunity Affairs should monitor the selection process--waiver of qualification requirements, written examinations, and background investigations.

PROGRAM ADMINISTRATION PROBLEMS SHOULD BE RESOLVED

To improve planning and carrying out of the affirmative action program, the FBI should

--locate the discrimination complaint system outside of all major operating divisions and offices,

--provide for more permanent staffing of the equal employment opportunity officer position,

--periodically evaluate the EEO program, and

--determine the total reliable cost for operating the equal employment opportunity program.

IMPROVEMENTS NEEDED IN DEVELOPING EEO PLANS

To develop meaningful EEO plans, the FBI should periodically evaluate its EEO program and document all input from and coordination with management.

NEED TO MODIFY COUNSELING PROGRAM

The EEO discrimination complaint counseling program should be modified.

--The disproportionate use of assistant special agents in charge and inspectors-deputy assistant directors as EEO counselors should be discontinued.

--The race, color, sex, and grade representation of counselors should be improved to reflect the work force.

--The duties of collaterally assigned counselors should be defined and included in their position descriptions.

--Counselor reporting requirements should be emphasized and monitored.

AGENCY COMMENTS

Agency comments on our recommendations were received too late to fully evaluate; however, the comments reaffirmed Director

William H. Webster's commitment to improving the representation of minorities and females in the special agent occupation. This commitment was emphasized by the FBI's comment:

"As indicated in your report, the representation of females and minorities in the higher level positions in the FBI is inadequate. This paucity is a direct result of their under-representation in our Special Agent position, the FBI's key professional occupation, which has the highest grade levels and affords the greatest promotional opportunities. The need for drastic improvement in the representation of women and minorities within the Special Agent position is well recognized by FBI management and highly concerted efforts are currently being undertaken to insure measurable gains will be achieved in this area in as short a time as possible."

The FBI's comments appear in their entirety in appendix V to this report.

Contents

		Page
DIGEST		i
CHAPTER		
1	INTRODUCTION	1
	Mission and work force	2
2	WORK FORCE PROFILE	4
	Minorities	5
	Women	6
	Agent conversions	7
3	SELECTION PROCESS SHOULD BE MONITORED FOR SYSTEMIC DISCRIMINATORY PRACTICES	9
	Several selection practices need monitoring	11
	Improvements needed in reporting recruitment	13
	Conclusions	13
	Recommendations	13
4	PROGRAM ADMINISTRATION PROBLEMS SHOULD BE RESOLVED	15
	Need to separate complaint system from personnel function	15
	Higher priority needed in staffing the EEO officer position	16
	Lack of periodic effectiveness evaluations	17
	Determining financial resources	18
	Conclusions	20
	Recommendations	20
5	IMPROVEMENTS NEEDED IN DEVELOPING EEO PLANS	21
	EEO program assessment needed for better plan development	21
	No documentation of extent of management's involvement in plan development	23

CHAPTER		Page
5	Lack of coordination with other Justice bureaus	23
	Conclusions	24
	Recommendations	24
6	NEED TO MODIFY COUNSELING PROGRAM	25
	Need to modify counselors' profile	26
	EEO counselors' collateral duties need to be defined	28
	Counselor reporting requirements should be emphasized and monitored	28
	Conclusions	28
	Recommendations	29
7	SCOPE OF REVIEW	30
APPENDIX		
I	FBI permanent employees as of December 31, 1976	31
II	FBI accessions for the period June 30, 1974 to December 31, 1976	32
III	July 29, 1976, letter from the Chairman, Subcommittee of Civil and Constitutional Rights, House Committee on the Judiciary	33
IV	Previous reports issued relating to affirmative action programs	35
V	Agency comments	36
VI	Principal officials of the Department of Justice responsible for administering activities discussed in this report	44

ABBREVIATIONS

CSC	Civil Service Commission
EEO	equal employment opportunity
FBI	Federal Bureau of Investigation
FPM	Federal Personnel Manual
GAO	General Accounting Office
GS	general schedule
SAC	special agent in charge

CHAPTER 1

INTRODUCTION

Executive Order 11478, dated August 8, 1969, as amended, states that it is the express policy of the U.S. Government to provide equal opportunity in Federal employment for all persons; prohibit discrimination in employment because of race, color, religion, sex, or national origin; and promote full equal employment opportunity (EEO) through a continuing affirmative action program in each executive department and agency. Equal opportunity applies to all personnel policies and practices relating to the employment, development, advancement, and treatment of civilian employees of the Federal Government.

The Equal Employment Opportunity Act of 1972 (Public Law 92-261, approved March 24, 1972, 86 Stat. 103, 42 U.S.C. § 2000e) amended title VII of the Civil Rights Act of 1964 and gave the Civil Service Commission (CSC) the authority to enforce equal opportunity and nondiscrimination in the Federal Government. When Reorganization Plan No. 1 of 1978 goes into effect, this enforcement authority will be transferred to the Equal Employment Opportunity Commission.

The Age Discrimination in Employment Act of 1967, as amended by section 28(b)(2) of Public Law 93-259 (Fair Labor Standards Amendments of 1974, approved April 8, 1974, 88 Stat. 55, 29 U.S.C. § 633a Supp. IV, 1974), requires that all personnel actions affecting Federal employees or applicants for Federal employment who are between 40 to 64 years of age be free from discrimination based on age.

In an April 22, 1975, memorandum on the subject of EEO, the Director of the Federal Bureau of Investigation (FBI) made the following statement to all special agents in charge (SACs) in support of a statement by the President of the United States to the heads of departments and agencies regarding equal opportunity in Federal employment:

> "I want to take this opportunity to add to long-standing Bureau policy my personal commitment to the principles of equal employment opportunity. I join with the President in the theme that equal opportunity in employment becomes a reality principally through the positive actions of those in supervisory positions and that vigorous efforts in this regard must be continued and expanded. Application of the spirit and meaning of equal

opportunity in employment must prevail in every segment of our organization. I will afford this matter continued attention and expect each of you to renew personal efforts in support of this program."

At the time of our review, this memorandum was the only articulated statement concerning the FBI's EEO policy.

MISSION AND WORK FORCE

Organized in 1908, the FBI is the principal investigative arm of the Department of Justice. It is charged with gathering and reporting facts, locating witnesses, and compiling evidence in matters in which the Federal Government is, or may be, a party in interest. The FBI has varied responsibilities in the criminal, civil, and security fields. It is also responsible for correlating information concerning the internal security of the United States and disseminating such data to interested agencies in the executive branch of the Federal Government. Organizationally, as of January 1977, the FBI was comprised of 12 divisions--identification, training, finance and personnel, records management, scientific and technical services, external affairs, administrative services, intelligence, general investigative, special investigative, legal counsel, and planning and inspection. 1/

The FBI's EEO Program is an integral part of the FBI's overall centralized personnel management system and receives guidance through the efforts of its Office of Equal Employment Opportunity Affairs, which is located in the Personnel Section of the Finance and Personnel Division.

All positions in the FBI are excepted from the competitive service under 28 U.S.C. 536. The FBI does not use CSC registers in selecting applicants to fill vacancies or new positions in either the clerical or investigative fields, neither does it use summer interns or cooperative education students.

Of Justice's six key professional occupations (attorneys, criminal investigators, deputy U.S. marshals,

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1/As of April 1978, the FBI is comprised of 10 divisions--identification, training, technical services, administrative services, intelligence, laboratory, criminal investigative, legal counsel, planning and inspection, and records management.

correctional officers, border patrol agents, and immigration inspectors), the criminal investigators series (special agent) was the only key professional occupation the FBI used. Professional staff, such as accountants, lawyers, and top management personnel, were in the criminal investigator (special agent) category. Administrative positions at headquarters, Washington, D.C., were also staffed by special agents. All other employees, including secretaries/stenographers, fingerprint examiners, filing clerks, laboratory technicians, and radio maintenance personnel, were in the "other occupations" category.

Grade levels for special agents are relatively high. Entry level for an FBI special agent is GS-10. With the exception of SACs and assistant SACs of the field offices, the journeyman levels for field office agents are grades GS-10 through GS-13. The grade level for the special agents at the FBI extends to GS-18.

As of December 31, 1976, the FBI employed 20,062 people. About 8,637 (or 43 percent) were in the special agent series and 11,425 (or 57 percent) were in other occupations. Of the total special agents, 70 (1 percent) were women and 335 (4 percent) were minorities. In the other occupations category, 7,350 (64 percent) were women and 2,579 (23 percent) were minorities. (See app. I.)

CHAPTER 2

WORK FORCE PROFILE

Minority and female employees at the FBI were concentrated in the other occupations category as of December 31, 1976. These employees were clustered in the GS-2 through GS-7 grade range. In the key professional occupation of special agent (which accounted for approximately 43 percent of the total work force) women represented less than 1 percent.

Under the FBI's agent conversion program where employees move from the other occupations to the special agent category, 96 percent of the conversions from June 30, 1974, to December 31, 1976, were nonminority men. Nonminority men, however, represented only about 31 percent of employees in the other occupations at December 31, 1976.

From June 30, 1974, to December 31, 1976, the percent of minority employees increased from 11.6 to 14.5. The percentage of female employees increased from 36.2 to 37.

	June 30, 1974		December 31, 1976		
	Number	Percent of work force	Number	Percent of work force	Percent increase/ decrease(-)
Minorities	a/2,277	11.6	b/2,914	14.5	2.9
Nonminorities	17,294	88.4	17,148	85.5	-2.9
Total	19,571	100.0	20,062	100.0	
Women	7,082	36.2	7,420	37.0	.8
Men	12,489	63.8	12,642	63.0	-.8
Total	19,571	100.0	20,062	100.0	

a/Included 1,615 minority women, 8.25 percent of the work force.

b/Included 2,028 minority women, 10.11 percent of the work force.

MINORITIES

Specific minority group representations as of December 31, 1976, were as follows:

	Number	Percent of total employees
Black	2,317	11.5
Hispanic	432	2.2
Asian American	128	.6
Native American	37	.2
Total	2,914	14.5

Minority employees at the FBI were represented at the lower grade levels at a much higher percent than nonminority. Although minorities accounted for 14.5 percent of the FBI's work force as of December 31, 1976, 88.5 percent of these employees were in the other occupations category (clerical, technical, and blue-collar positions). In comparison, approximately 52 percent of the nonminority employees were in the other occupations.

	June 30, 1974		December 31, 1976	
	Number	Percent of minorities in work force	Number	Percent of minorities in work force
Investigators	222	9.7	335	11.5
Other Occupations	2,055	90.3	2,579	88.5
Total	2,277	100.0	a/2,914	100.0

a/As March 31, 1978, the FBI employed 352 (4.5 percent) minority investigators and 2,773 (24.8 percent) minorities in the other occupations.

As of December 31, 1976, less than 4 percent of the special agents were minority employees. Specific minority

group representations in the investigator and other occupations categories at December 31, 1976, are shown below.

	Number	Percent of total investigators	Number	Percent of total other occupations
Black	143	1.7	2,174	19.0
Hispanic	145	1.7	287	2.5
Asian American	30	.3	98	.9
Native American	17	.2	20	.2
Total	335	3.9	2,579	22.6

As of December 31, 1976, minority employees were clustered at grades GS-7 or lower. Of the 2,914 minorities, 2,485, or 85.3 percent, were employed in grades GS-2 through GS-7. In comparison, 7,411, or 43.2 percent, of the 17,148 nonminorities were employed in this grade range.

WOMEN

Women accounted for 37 percent of all FBI employees as of December 31, 1976. However, 99.1 percent of the women were employed in other occupations. Approximately 92 percent were employed in grades GS-2 through GS-7, while 24 percent of the men employees were in this same grade range. During the 18-month statistical period, the number of women agents more than doubled; however, they still represented less than 1 percent of the investigators.

	June 30, 1974		December 31, 1976	
	Number	Percent of total women employees	Number	Percent of total women employees
Investigators	30	0.4	70	0.9
Other occupations	7,052	99.6	7,350	99.1
Total	7,082	100.0	7,420	100.0

Although special agents accounted for approximately 40 percent of FBI's work force from June 1974 to December 1976, the number of women in this occupation continued to remain low.

	June 30, 1974		December 31, 1976	
	Number	Percent of work force	Number	Percent of work force
Investigators:				
Women	30	0.2	70	0.4
Men	8,521	44.0	8,567	42.8
Other occupations:				
Women	7,052	36.0	7,350	36.6
Men	3,868	19.8	4,075	20.3
Total	19,571	100.0	a/20,062	100.1

a/As of March 31, 1978, the FBI employed 95 women (or 5 percent) as investigators and 7,187 (or 37.9 percent) in other occupations.

AGENT CONVERSIONS

Under the FBI's program of promotion through the ranks, there were 524 conversions of personnel from the other occupations to the special agent category from June 30, 1974, to December 31, 1976. Of these conversions, 503 (95 percent) were nonminority men. Two of the conversions were at the GS-16 level, 3 at the GS-11, and the remaining 519 were at the GS-10 level, which is considered the normal entry level for special agents.

Although women and minority employees accounted for about 70 percent of the employees in the other occupations (see app. I), most of the conversions to the key occupation were nonminority men. Women represented 64.4 percent of the segment of the work force as of December 31, 1976 (see app. I), yet only 1.9 percent of the conversions to the special agent category were women. Minorities represented 22.6 percent of the employees in other occupations (see app. I) and 2.3 percent of the conversions. Nonminority men represented only 30.8 percent of the other occupations, yet 96 percent of the conversions to special agents were nonminority men.

Grades	Nonminority		Minority		Total
	Men	Women	Men	Women	
GS-10	498	9	11	1	519
GS-11	3	0	0	0	3
GS-16	2	0	0	0	2
Total	503	9	11	1	524
Percent of conversions	96	1.7	2.1	0.2	

CHAPTER 3

SELECTION PROCESS SHOULD BE MONITORED FOR SYSTEMIC DISCRIMINATORY PRACTICES

Despite increased efforts by the FBI to attract qualified minority applicants for special agent positions, minorities and women in this key professional occupation remained less than 4 percent.

To reach all sources of candidates, the FBI used news articles, radio and television, appearances before large minority groups or organizations, and minority persons and women as recruiters. In addition, recruiting literature provided by the FBI headquarters was distributed to career counselors at local schools, to students at career days, or to interested parties upon request. (It is worth noting, however, that in reviewing the recruiting literature, we found no mention of the FBI's EEO program, and only brief reference to the FBI's interest in hiring minorities and women.)

Further, field offices submitted to headquarters monthly reports showing the number of minority and nonminority applicants (but not the sex of the applicant) for special agent positions who were recommended for continued processing. Also, the Personnel Section was responsible for monitoring the applications of minority candidates for special agent positions.

Approximately 43 percent of the total employees were special agents in grades GS-10 to GS-18. As of December 31, 1976, however, minority persons represented 3.9 percent of the total number of special agents, and women accounted for 0.8 percent. (At this same time, minorities represented 22.6 percent of other occupations and women 65.3 percent.)

The Office of EEO Affairs was functionally responsible for operating the FBI's EEO program. Because the selection process is such an important segment of an agency's EEO program, the process should be monitored by the EEO staff to determine if systemic discriminatory practices are occurring in the selection process. 1/

1/In November 1977, the FBI instituted a new program for selecting special agents.

The FBI's employment qualification requirements are established solely by its Director without CSC's or Justice's review or approval. Applicants for agent positions must be available for assignment wherever needed and (1) a college graduate with a major in law, accounting, physical science, or fluent in a foreign language, (2) or have specialized experience. Agent applicants must be between the ages of 23 and 35 and be in excellent physical condition. The FBI employees are under the excepted service, and as such, no positions are under CSC's competitive selection procedure.

When it is necessary to obtain an employee with an unusual or unique skill, the FBI can waive any qualification requirement not bearing on character and integrity. Agent applicants who meet the basic requirements must take written examinations and undergo a detailed interview. Prior to any appointment those applicants who possess the basic qualifications and who have successfully passed the written examinations are thoroughly investigated for additional evidence of their qualifications and fitness for the position. Applicants receiving an appointment at the GS-10 level must satisfactorily complete a 15-week course of training at the FBI Academy. Following this training, the appointee is assigned to a field office as a special agent.

All final decisions to hire new FBI employees are made by the Headquarters Personnel Section, without recommendations for selection from the field offices. In addition to recruiting, the field offices administer the examinations, conduct interviews, and recommend whether to continue the application process.

In April 1977 a memo was sent to all SACs explaining a new preemployment special agent selection process. The new procedure was to rank all applicants for the special agent positions so that only the highest ranked individuals meeting the FBI's special needs would be considered.

In addition to this change, the new selection procedure provided that the interview of top-ranked applicants be conducted by a screening board consisting of three special agents. Before this new procedure the interview was conducted by the one individual.

Field offices had limited control over the composition of their work force. Under the FBI's centralized personnel management system, field offices, such as the Los Angeles field office, were authorized to recruit, interview, test, and recommend job applicants for continued processing. FBI Headquarters made the final selections and appointments based

on field office recommendations to continue application processing, on the results of completed background investigations, and on consideration of any hiring restrictions (personnel ceilings) that might be in effect.

Field offices had no control over assignments of special agents to their work force. The special agent applicants selected by Headquarters were trained at the FBI Academy, and then assigned to a field office other than the one that recruited them.

However, field offices had control over the nonagent work force. The offices were responsible for recruiting their own clerical staff in addition to recruiting, as directed, clerical personnel for assignment to Headquarters. Contingent on vacancies, budget restrictions, and other considerations as noted above, Headquarters then approved or disapproved the field offices' requests for clerical hires.

The FBI hired 6,701 new employees from June 30, 1974, to December 31, 1976. (See app. II.) Statistics on accessions provided by Justice grouped these employees in the categories of investigators or other occupations. Of the total accessions, 1,554 (23.2 percent) were minorities and 3,883 (57.9 percent) were women. Separations during the same period were comparable to the FBI work force representation of men, women, minorities, and nonminorities. However, the overall impact of the accessions did not result in major changes in the race and sex profile of the FBI's special agent category, which was 97 percent nonminority male in June 1974, and 95.4 percent nonminority male as of December 31, 1976.

SEVERAL SELECTION PRACTICES NEED MONITORING

Despite efforts to recruit minorities and women, the number of minority and female special agents remained small. To determine whether selecting practices may be adversely affecting the hiring of minority and female agents, we believe the Office of EEO Affairs should monitor several areas in the selection process.

Waiver of qualifications

The FBI has the right to waive qualifications not bearing on character and integrity to hire a person with a unique or unusual skill when a need exists for such an employee. Some employees could perceive this right as a mechanism for

discriminating against applicants and employees for whom qualification requirements were not waived. Because individuals hired under this waiver of qualifications are exceptional cases in which the applicants have been treated differently from those applicants hired under the normal procedure, the Office of EEO Affairs should monitor these hirings to determine what patterns exist and, if possible, what systemic discrimination may exist under the waiver of qualifications procedure.

Written examinations

Agent applications who meet the basic qualification requirements are given written examinations which contribute with varying weights toward a test ranking grade. Copies of these examinations were not made available for our review. Because of our broad audit objectives, we did not pursue our attempts to obtain copies of the examinations. However, we believe we have the right of access to such information.

EEO legislation, as it relates to employee selection seeks to insure that all candidates for a job, training, or employment opportunity are considered on the basis of factors relevant to job performance rather than such discriminatory factors as race, color, religion, sex, national origin, and age. Federal guidelines on employee selection requires employers to (1) monitor the impact of their selection procedures on the employment opportunities of minorities and women and (2) demonstrate the job relatedness of procedures which produce an adverse impact, or eliminate the adverse impact. The Office of EEO Affairs should monitor such evaluations to assure that its examination procedures are nondiscriminatory and job related.

Background investigation data

To determine if this phase of the agent and clerical selection process discriminates or has the potential to discriminate systemically against minority or female applicants, there should be a review of background investigation criteria by the Office of EEO Affairs to determine if any factors have a negative effect on the hiring of qualified women and minority persons.

We were advised by the Application and Placement Unit Chief and one of the deputy EEO officers that there was no single criterion used in the background investigation which would automatically eliminate an applicant from further consideration for employment. Endorsements and rejections were based on a combination of occurrences and situations. All

background investigations were evaluated on a case-by-case basis. This procedure allows an individual to make decisions based on feelings.

Data relevant to the endorsement or rejection of applicants should also be analyzed periodically for EEO purposes to determine whether investigation practices and reporting are uniform without regard to race, color, sex, national origin, religion, or age.

IMPROVEMENTS NEEDED IN REPORTING RECRUITMENT

Special agent applicant reports need to be modified to report the sex of agent applicants. The field offices submitted monthly reports to Headquarters which showed the number of minority and nonminority applicants who were favorably or unfavorably recommended; the reports did not, however, show the sex of agent applicants.

Further, although the Personnel Section was responsible for monitoring, for EEO purposes, the applications of minorities and women who applied for positions as special agents, summaries of special agent recruiting results were not made for EEO purposes.

CONCLUSIONS

To assure that the FBI's selection procedures for agent positions do not unfairly discriminate, we believe the written examinations and background investigations should be reviewed and made as job related as possible. In addition, because the accession of special agents under the waiver of qualification requirements gives special consideration to some applicants, this practice should be monitored closely for EEO purposes. We also believe reports reflecting the number of minority and nonminority candidates for special agent positions should show the sex of each applicant.

RECOMMENDATIONS

We recommend that the Attorney General require the Director of the FBI to:

--Monitor the accession of special agents for whom qualification requirements have been waived, to determine if this modified procedure discriminates or has the potential to discriminate.

--Review the job relatedness of agent-applicant examinations.

--Monitor the race, color, national origin, sex, age, religion, and test results of all agent applicants who have completed the written examinations, to determine whether the examination systemically discriminates against minority and female applicants.

--Review agent and clerical background investigation data relevant to the endorsement or rejection of agents by race, color, sex, national origin, religion, and age for systemic discrimination patterns.

--Evaluate recruiting effectiveness, modify the special agent applicants' report to include the sex of the applicant and require field offices to periodically report summaries of their recruiting results for EEO purposes.

CHAPTER 4

PROGRAM ADMINISTRATION PROBLEMS SHOULD BE RESOLVED

To improve the administration of its affirmative action program, the FBI should

--separate its EEO complaint processing system from the personnel functions to establish and maintain credibility of that system,

--reduce the high turnover rate of persons serving as EEO officers,

--develop a detailed position description which clearly states the duties and responsibilities of an EEO officer,

--perform comprehensive evaluations of the total EEO program periodically, and

--develop actual cost for EEO program operations.

Section 713.203, title 5, Code of Federal Regulations, states that the head of each agency shall exercise personal leadership in establishing, maintaining, and carrying out a continuing affirmative action program designed to promote equal opportunity in every aspect of agency personnel policy and practice in the employment, development, advancement, and treatment of employees. Under the terms of its program an agency shall provide sufficient resources to administer its EEO program in a positive and effective manner and assure that the principal and operating officials responsible for carrying out the EEO program meet established qualification requirements.

NEED TO SEPARATE COMPLAINT SYSTEM FROM PERSONNEL FUNCTION

CSC has neither taken a position nor furnished specific guidance to agencies on where an EEO staff should be placed in the organization. This decision has been left to the discretion of each Federal agency. The Department of Justice

has not taken a position on this matter, and the placement of EEO staffs within the Justice bureaus varies.

FBI's Office of EEO Affairs is located within the Personnel Section of the Finance and Personnel Division. The Office of EEO Affairs has functional responsibility for the EEO program and oversees all special emphasis programs, such as the Spanish Speaking Program, the Federal Women's Program, and the Black Affairs Program. In fiscal year 1978, the Office of EEO Affairs was staffed with an EEO officer (a special agent) who also served as the Spanish Speaking Program coordinator, a deputy EEO officer (special agent) who served as Positive Program and Black Affairs Program coordinator, a deputy EEO officer (EEO specialist) who served as Federal Women's Program and Upward Mobility coordinator, a staff assistant (EEO specialist), and a secretary stenographer. Two EEO staff members were designated as deputy EEO officers, so that either could serve in the absence of the EEO officer.

The Office of EEO Affairs was also responsible for the EEO's discrimination complaint processing procedure. A major problem with locating the discrimination complaint system within the personnel function appears to involve the lack of independence of that system. For example, the office of personnel, which is ultimately responsible for personnel actions, would also be responsible at the bureau level for deciding cases of alleged discrimination which may have arisen from its own personnel actions. From July 1973 to October 1976, a total of 12 formal cases of alleged EEO discrimination were filed against the FBI. While such a small number of complaints may indicate the FBI has few EEO-related problems, it could also indicate that employees question the credibility and objectivity of the EEO discrimination complaint processing system and choose not to use the system. In response to a questionnaire on EEO matters which we submitted to Justice employees, we found that about 20 percent of FBI's employees said they had been discriminated against, yet 91 percent of these employees did not contact an EEO counselor. To instill objectivity and credibility into the system, we believe the complaint system should be separate and apart from the personnel functions of the FBI.

HIGHER PRIORITY NEEDED IN STAFFING THE EEO OFFICER POSITION

The turnover rate for EEO officers has been high. Since 1972 there have been six different appointments to the EEO officer position. In 1977 the FBI had four different EEO officers, as shown in the following table.

EEO Officer Turnover

Appointment	From	To
A	a/1972	Aug. 1973
B	Sept. 1973	Sept. 1975
C	Sept. 1975	Feb. 1977
D	Feb. 1977	Aug. 1977
E	Aug. 1977	Sept. 1977
F	Sept. 1977	Present

a/Enactment date of the Equal Employment Act.

The position of EEO officer has always been staffed by special agents. Following the EEO assignment the special agent is usually assigned to the Inspection Staff (internal audit) and is then assigned as an assistant SAC of a field office. The job description for a special agent functioning as an EEO officer did not include his duties and responsibilities as EEO officer.

Considering the EEO officer's overall responsibility for the EEO program, such frequent changes of EEO officers have the potential of adversely affecting the effective administration of the total EEO program. This situation, coupled with the absence of a specific job description for the EEO officer position, tends to indicate the assignment of a low priority status to the EEO program.

LACK OF PERIODIC EFFECTIVENESS EVALUATIONS

The EEO Act of 1972 requires that CSC be responsible for reviewing and evaluating the operation of all agency EEO programs.

The Code of Federal Regulations, title 5, section 713.204, provides that in implementing its EEO program, an agency shall assign to the Director of EEO the function of evaluating from time to time the sufficiency of the total agency program and reporting thereon to the head of the agency with recommendations as to any improvements needed, including remedial or disciplinary action with respect to managerial or supervisory employees who may have failed in their EEO responsibilities.

Although depth and detail of the evaluation is left to the agency's discretion, CSC does require periodic EEO program evaluations. These evaluations are required to be of sufficient depth and detail, however, to insure management that all program areas have been reviewed.

Neither Justice nor CSC has made a comprehensive evaluation of the FBI's total EEO program. However, the internal audit function has made periodic personnel management audits, but they are not a comprehensive evaluation of the total EEO program and only included the EEO program as part of the total personnel management program review. According to the deputy EEO officer, these inspection staff audits had not revealed any major problems in the FBI's EEO program.

DETERMINING FINANCIAL RESOURCES

CSC requires Federal agencies to submit EEO cost data on the allocation of personnel and resources statement in their EEO plans and in a report of EEO program expenditures required by the Office of Management and Budget Circular No. A-11. In turn, Justice requires each bureau to submit bureauwide cost data annually for use in preparing Justice's cost data for CSC; however, the Department has not provided guidance to the bureaus on how to develop this EEO cost data.

The FBI did not accumulate total reliable EEO program costs at Headquarters or in the field. The following allocation of resources for 1975 through September 30, 1976, were included in the FBI's national EEO plans:

	1975 (12 months)	1976 (9 months)	Total
EEO counseling	$ 31,038	$ 48,541	$ 79,579
Complaint processing	-	-	-
EEO program administration	706,878	862,193	1,569,071
EEO subject matter training	1,362	4,248	5,610
Total	$739,278	$914,962	$1,654,260

The above costs were estimates rather than actual expenditures. Fiscal resources were reported in the field offices' EEO plans we reviewed; however, the costs figures were estimated and provided to the field offices by the Office of EEO Affairs.

To improve its guidance for agencies, CSC revised the format for the cost reporting section of agencies' EEO plans in its Federal Personnel Manual (FPM) Letter 713-35, dated April 30, 1976. In accordance with this revised format, the FBI reported costs in its 1977 EEO plan as follows:

	Full time	Part time	Program cost
EEC Program Administration and Management:			
EEO officer	1	-	$ 28,178
Federal women's coordinator	-	12	8,197
Spanish-speaking coordinator	-	12	15,673
Upward mobility coordinator	-	72	77,980
EEO counselor	-	144	99,076
Other personnel:			
Deputy EEO Officer	1	1	23,135
Black Affairs Program coordinator	-	1	2,291
Federal Women's Program coordinator	1	-	9,238
Positive Program coordinator	-	59	526,773
EEO and Personnel Management Training	-	3	3,551
Total			$794,092

In developing program costs included in the EEO plan, the total salaries of full-time personnel were used, and the following percentages were used for part-time personnel associated with the EEO program.

Percentage of salary used in computing cost	Descriptions
30	Applicant coordinators (positive program coordinators)
10	Spanish-speaking program coordinators
10	Upward mobility coordinators
10	Black affairs coordinators
5	EEO counselors

In estimating the allocation of personnel resource costs, EEO investigation costs were not included, and computations did not consider the fact that not all coordinators

and counselors were active. Interviews with a sample number of EEO counselors disclosed that EEO counseling activity was infrequent and that even the counselors could not estimate the amount of time used in counseling employees.

(FPM Letter 713-35 has been superseded by FPM Letter 713-40, dated August 17, 1977, which contains revised criteria for reporting costs involved in the allocation of agency personnel and resources.)

CONCLUSIONS

We believe that, to promote a more effective EEO program, the FBI will have to improve its program administration. To maintain credibility and independence, we believe the discrimination complaint system should be a function separate and apart from the FBI's Finance and Personnel Division. In view of the EEO officer's program administration responsibilities, we also believe that, in addition to developing an EEO officer position description detailing specific responsibilities and duties, the EEO officer position should be staffed to avoid the high turnover rate currently being experienced. To keep abreast of the status of the FBI's program, we believe that comprehensive evaluations of the EEO program should be conducted periodically and that total, reliable program cost data should be maintained.

RECOMMENDATIONS

We recommend that the Attorney General require the FBI Director to:

--Organizationally locate the EEO discrimination complaint system outside of all major operating divisions and offices.

--Develop a job description for the EEO officer position.

--Staff the EEO officer position in such a manner as to reduce the present high turnover rate.

--Provide for periodic comprehensive evaluations of the EEO program.

We also recommend that the Attorney General provide guidance to the FBI on how to develop reliable EEO cost data.

CHAPTER 5

IMPROVEMENTS NEEDED IN DEVELOPING EEO PLANS

To develop annual EEO action items geared to solving EEO problems, the FBI needs to evaluate the overall EEO program periodically to determine what problems exist and the extent of these problems. The FBI also needs to coordinate the development of its annual EEO plans with various levels of management.

The Equal Employment Opportunity Act of 1972 requires Federal agencies to submit national and regional EEO plans to CSC for annual review and approval. CSC, in implementing the act, requires Justice to submit its national EEO plans to CSC for annual review and approval. Beginning with the fiscal year 1977 plan, four Justice bureaus, including the FBI, were required to submit their national EEO plans to CSC for approval.

According to CSC an EEO plan represents an agency's pledge of its commitment to insure true EEO in all aspects of its operations affecting employees and applicants for employment.

EEO PROGRAM ASSESSMENT NEEDED FOR BETTER PLAN DEVELOPMENT

In view of the importance of program assessment in developing meaningful EEO plans, CSC, in FPM Letter 713-35, required agencies to submit an assessment report as part of their annual EEO plan. This report should briefly summarize an agency's analysis of its EEO situation, preparatory to developing the plan. The assessment reports must identify EEO problems requiring priority attention and solution. The assessment process is intended to produce data and statements of problems as end products which will allow the agency and CSC to prepare profiles and to gauge the progress of solutions.

Assessment reports in the FBI's national EEO plans for 1976 and 1977 were not prepared in accordance with CSC's guidance; these reports contained either no discussion or limited discussion of identified EEO problems requiring priority action. The 1976 assessment report identified two problems--the negative image of the FBI in the minority community and budgetary restrictions on EEO training and incentives. In the 1977 report, the FBI identified the relatively low number of minority special agency employees, the concentration of minorities and women in the lower grade

levels of the organization, and the low retention rate of Hispanic clerical employees assigned in Washington, D.C. The remaining major portions of both assessment reports were statements describing the existing EEO program or accomplishments. There was no analysis of problems upon which to base problem-solving corrective actions and to establish priorities.

The format and content of the Los Angeles office's EEO plans were closely coordinated with, and to a large extent dictated by, the Office of EEO Affairs. From 1973 through 1975, the Office of EEO Affairs furnished field offices with model plans of action. These models were to be tailored to the specific office and submitted to the appropriate CSC regional offices. This practice was discontinued after 1975 because the plans were not handled uniformly by the various CSC regional offices--that is, some CSC regions accepted a plan without change, while others required modification of the same plan to suit CSC regional offices' interpretation of EEO regulations. Beginning with the 1976 plan, the FBI's national plan has been used for guidance in preparing the local plans. The national plan for 1977 was not received soon enough to use as guidance, so the Los Angeles field office used the prior year's (1976) national plan for guidance in preparing its 1977 local plan.

In approving the Los Angeles field office's 1976 plan, the CSC regional office recommended that in the 1977 plan, the assessment section could be improved by listing turnover rates in the major occupational categories, by showing the number of expected vacancies for the coming year, and by identifying problems that required priority action. The assessment sections identified few, if any, problem areas. Much of the information in these sections was limited to statements of claimed accomplishments.

EEO problem analysis is essential in the development of corrective actions which should strengthen the program or remedy problems which may hamper the program's effectiveness. As discussed in the attachment to FPM Letter 713-35, assessment is critically related to accomplishments since the process must measure the extent to which objectives of the previous year were accomplished. Any shortfall of those objectives should be considered in setting new objectives, action items, and target dates. In more recent guidance on EEO program self-assessment, CSC in an attachment to FPM Letter 713-40, dated August 17, 1977, provided criteria which each agency's EEO program should meet if it is to be viable and results oriented.

When agencies' EEO programs fall short of these criteria, appropriate problem statements, objectives, action items, and target dates should be listed. While these criteria form a basis for the assessment, such an assessment need not--and seldom should--be limited to this particular list. The criteria listed in FPM 713-40 are to serve as a starting point for the assessment process and may suggest other factors to be considered in plan development.

NO DOCUMENTATION OF EXTENT OF MANAGEMENT'S INVOLVEMENT IN PLAN DEVELOPMENT

Although coordination with field offices and division managers may have been informal, we could not document any evidence of this input or coordination in developing national and field office plans. Without documentation, we were unable to determine the extent of management's involvement in the development of national and local EEO plans.

The deputy EEO officer in charge of positive action program planning was responsible for developing the national plan and for assisting in the development of field office plans. He reviewed periodic personnel management reports in developing the EEO plan; however, no major EEO problems had been identified by these internal audits. Informal input and comments on plans were usually provided throughout the year during meetings and training sessions involving the deputy EEO officers and managers and supervisors at the various management levels. The other units in the personnel section were involved in the actual preparation of the plans, but the input was informal and was not documented.

The Los Angeles field office EEO coordinator, in preparing the annual plan, obtained input from other EEO staff and also from the supervisors, managers, and employees through informal personal contacts and during various staff meetings. No documentation or evidence was available, however, indicating the nature and extent of such input.

LACK OF COORDINATION WITH OTHER JUSTICE BUREAUS

Although Justice requires each of its bureaus to forward its annual EEO plan to Justice and its other bureaus, it was not enforced. The FBI's plans were made available to the other Justice bureaus only upon request. To assist in Justice-wide coordination efforts, it would be helpful if the FBI sent its EEO plans to other Justice bureaus.

CONCLUSIONS

We believe that periodic evaluation of the entire EEO program is necessary to identify problems which could be solved by appropriate action items. Further, documentation should be kept on coordination with management in developing the annual EEO plans, to demonstrate management's commitment to the program, and to indicate the feasibility of implementing the plan. As required, the plan should be submitted to other Justice bureaus.

RECOMMENDATIONS

We recommend that the Attorney General require the FBI Director to:

--Use CSC and closely adhere to guidance in EEO program assessment for the purpose of EEO plan development.

--Emphasize the importance of documenting managers' and supervisors' involvement in the developing of the EEO plan.

--Submit the FBI's EEO plans to other Justice bureaus, as presently required by Justice.

CHAPTER 6

NEED TO MODIFY COUNSELING PROGRAM

For effective implementation and management of the discrimination complaint system at the FBI, several improvements are needed in its EEO counseling program. The Bureau should

--discontinue the disproportionate use of top management personnel as EEO counselors;

--ensure that the EEO counseling is broadly representative of its work force in terms of age, race, sex, occupation, and ethnic background;

--define the EEO counseling responsibilities of counselors in their position descriptions; and

--emphasize to EEO counselors the importance of accurately maintaining records and reporting counseling activity.

The first stage in the discrimination complaint process is counseling, to resolve EEO-related problems informally and as quickly as possible. As CSC explained, the EEO counselor is to serve as a bridge between employees and management. The counselor must provide an open and sympathetic channel through which employees and applicants may raise questions, discuss problems, get answers, and--on an informal basis--get resolutions of problems connected with equal job opportunity.

If the counselor cannot resolve the matter informally, a formal complaint may be filed with the agency. Federal agencies are to provide prompt, fair, and impartial disposition of EEO discrimination complaints.

An employee of or applicant for FBI employment who feels discriminated against because of race, color, religion, sex, national origin, or age and wishes to resolve the matter, must seek counseling with an EEO counselor serving the office or division in which the question arose prior to filing a complaint of discrimination. This requirement is based on the belief that most questions can be resolved informally without the employee or applicant resorting to a formal complaint. Although continuing problems may be discussed, the EEO counselor must be contacted within 30 calendar days after the alleged action in question occurred.

NEED TO MODIFY COUNSELORS' PROFILE

Insofar as practicable, CSC guidelines state EEO counseling staff should be representative of an agency's work force in terms of age, occupation, race, sex, and ethnic background.

Overabundance of top management as counselors

Designation of a disproportionate number of assistant SACs and inspector-deputy assistant directors to serve as EEO counselors gives the EEO counseling program a management-oriented feature which may adversely affect the employees' or applicants' trust and confidence in the FBI's complaint-processing system.

At each field office, the assistant SAC was designated EEO counselor for his office. When there was more than one assistant SAC, that assistant SAC in charge of the principal administrative functions in that division served as the EEO counselor. A total of 59 of the field offices' 138 counselors were therefore at the assistant SAC level. At Headquarters 14 of the 29 counselors were at the inspector-deputy assistant director level.

Interviews with a sample number of EEO counselors for the FBI revealed that employees rarely sought counseling on EEO-related matters. In response to our questionnaire on EEO matters, 75 percent of the FBI employees who felt they had been discriminated against did not file a formal complaint. Of these, 83 percent did not file the complaint because of fear of reprisal.

Designation of a disproportionate number of assistant SACs and inspector-deputy assistant directors to serve as counselors appears inappropriate because (1) they are in charge of the organizational units which are responsible for personnel matters and (2) they are members of top management. Disproportionate use of top management personnel as counselors gives the counseling program a promanagement appearance, which could discourage many employees from seeking counseling.

Counselors' profile needs improvement

The following profile chart of the FBI's EEO counselors shows that most employees are nonminority males at the GS-10 and above level.

EEO Counselors' Profile
as of April 1977

	Field	Headquarters	Total
GS-4	1	0	1
GS-5	5	2	7
GS-6	3	1	4
GS-7	2	1	3
GS-8	0	5	5
GS-9	0	1	1
GS-10	7	0	7
GS-11	16	2	18
GS-12	15	1	16
GS-13	27	0	27
GS-14	7	2	9
GS-15	53	0	53
GS-16	1	2	3
GS-17	1	12	13
Total	138	29	167
Female	15	11	26
Male	123	18	141
Nonminority	113	24	137
Black	15	5	20
Hispanic	8	0	8
Amer. Indian	1	0	1
Oriental	1	0	1

Although CSC does not specify race, sex, or grade of EEO counselors, these factors do influence the use of counselors and their acceptance by employees and applicants using the discrimination complaint system. At FBI Headquarters, 65 percent of the counselors were GS-10s and above, 62 percent were males, and 83 percent were nonminority. Fourteen of the 29 counselors at Headquarters were special agents who were nonminority males at the GS-16/17 level. (As of December 31, 1976, women accounted for 55 percent of the work force at Headquarters; and with the exception of one woman, all women were in the other occupations.) In addition, approximately 90 percent of Headquarters employees were in the other occupations; with the major concentration at GS-3 through GS-9. Total minority persons accounted for approximately 27 percent of the Headquarters' work force; 99 percent of these minority persons were in the other occupations, and in grades GS-3 to GS-7. In the field offices, 92 percent of the EEO

counselors were GS-10s and above, 89 percent were males, and 82 percent were nonminority. As of December 31, 1976, statistics for the field offices showed that approximately 27 percent of the work force were women and 5 percent were minority persons.

EEO COUNSELORS' COLLATERAL DUTIES NEED TO BE DEFINED

CSC guidelines provide that a part-time counselor's position description include a statement of his/her counseling responsibility. Position descriptions of our sample part-time EEO counselors at the FBI did not contain a description of their duties as EEO counselors.

COUNSELOR REPORTING REQUIREMENTS SHOULD BE EMPHASIZED AND MONITORED

The Department of Justice's regulations require EEO counselors to document precomplaint counseling cases, including issues raised, resolutions attempted, and counseling provided.

Among the EEO counselors interviewed, there was confusion over their reporting requirements. Most of the counselors submitted the counseling checklist (documentation of precomplaint counseling) only when the complainant's intentions were to go forward with a formal case, and none of the EEO counselors said they submitted periodic reports of precomplaint counseling. In addition, the counselors did not maintain files which documented their counseling activities. Without uniform and accurate reporting from the EEO counselors, monitoring of their activities is impossible.

To insure uniform and accurate reports of precomplaint counseling activities for monitoring purposes, the Office of EEO Affairs needs to instruct the EEO counselors on their record maintenance and reporting requirements.

CONCLUSIONS

Modifications in the FBI's EEO counseling program are needed to establish and maintain open and sympathetic channels through which employees and applicants can raise questions, get answers, and discuss problems relating to EEO matters and to provide for more effective management of the EEO counseling activity during the informal stage.

RECOMMENDATIONS

We recommend that the Attorney General require the Director of the FBI to:

--Discontinue the disproportionate use of top management personnel as EEO counselors.

--Improve the representation of EEO counselors to reflect the race, sex, grade, and occupation of the FBI work force.

--Define in position descriptions EEO duties of collaterally assigned EEO personnel.

--Instruct EEO counselors on their record maintenance and reporting requirements.

CHAPTER 7

SCOPE OF REVIEW

Our examination of the FBI's EEO affirmative action program included a review of the laws, executive orders, and CSC, Justice, and FBI policies and regulations governing the program. As part of our review, we examined the personnel practices and procedures at the FBI Headquarters office in Washington, D.C., and the FBI field offices in Dallas, Texas, and Los Angeles, California.

Our review covered the FBI's EEO affirmative action program for the period July 1974 through August 1977. Justice's statistical data covered the period June 30, 1974, to December 31, 1976. We used this data to analyze the FBI's EEO profile, with emphasis on the representation of women and minorities in the various occupations and grade levels. We wanted to know what progress had been made in increasing the representation and improving the distribution of women and minorities in the FBI work force, with emphasis on their representation in the key professional occupation of special agent.

We met with appropriate EEO officials, personnel management officials, and other officials of CSC, Justice, and the FBI. We examined the national and field office EEO plans, program guidelines, pertinent correspondence, program evaluations, and EEO complaint files.

The FBI's viewpoints expressed in this report represent those of management. Employees' assessments of the FBI's affirmative action policies and programs will be the subject of our overall report to be prepared in the future. That report will deal in greater detail with employees' responses to an indepth questionnaire which was designed to reflect attitudes toward and assessments of the FBI's affirmative action program.

APPENDIX I

FBI PERMANENT EMPLOYEES AS OF DECEMBER 31, 1976

	Total men and women	Minority						Nonminority		Total
		Men	Women	Black	Hispanic	Asian American	Native American	Men	Women	
Investigators:										
GS-10	111	101	10	51	44	10	2	901	35	1,047
GS-11	65	64	1	19	40	4	2	774	24	863
GS-12	74	74	0	31	32	6	5	2,179	0	2,253
GS-13	46	46	0	15	16	8	7	3,202	0	3,248
GS-14	14	14	0	4	4	2	0	773	3	787
GS-15	5	5	0	3	1	0	1	272	0	277
GS-16	0	0	0	0	0	0	0	81	0	81
GS-17	0	0	0	0	0	0	0	40	0	41
GS-18	0	0	0	0	0	0	0	18	0	18
$30,001-$35,000	0	0	0	0	0	0	0	1	0	1
Over $35,000	0	0	0	0	0	0	0	2	0	2
Total	335	324	11	143	145	30	17	9,243	59	9,637
Percent	3.9	3.8	0.1	1.7	1.7	0.3	0.2	95.9	0.7	
Other occupations:										
GS- 2	42	15	27	33	5	4	0	73	46	161
GS- 3	748	169	579	648	80	21	7	654	789	2,191
GS- 4	667	104	563	557	79	27	4	605	1,456	2,728
GS- 5	612	87	525	515	68	27	2	646	1,423	2,661
GS- 6	270	67	203	248	19	3	1	223	640	1,133
GS- 7	146	49	97	117	21	4	4	358	498	1,002
GS- 8	13	3	10	11	2	0	0	57	171	241
GS- 9	17	11	6	6	6	5	0	205	154	376
GS-10	2	2	0	0	1	1	0	135	62	199
GS-11	16	13	3	9	0	5	2	159	60	235
GS-12	1	1	0	0	0	1	0	96	18	115
GS-13	0	0	0	0	0	0	0	49	2	51
GS-14	1	1	0	0	1	0	0	19	5	25
GS-15	0	0	0	0	0	0	0	4	0	4
GS-16	0	0	0	0	0	0	0	1	0	1
$5,001-$10,000	5	4	1	5	0	0	0	8	5	18
$10,001-$15,000	31	27	4	27	4	0	0	134	2	167
$15,001-$20,000	8	8	0	6	1	1	0	64	1	73
$20,001-$25,000	0	0	0	0	0	0	0	24	0	24
Total	2,579	561	2,018	2,174	287	98	20	2,514	5,332	11,425
Percent	22.6	4.9	17.7	19.0	2.5	0.9	0.1	30.8	46.7	100.0
TOTAL	2,914	885	2,029	2,317	432	128	37	11,757	5,391	20,062
Percent of total work force	14.5	4.4	10.1	11.5	2.2	0.6	0.2	58.6	26.9	

APPENDIX II

FBI ACCESSIONS FOR THE PERIOD JUNE 30, 1974, TO DECEMBER 31, 1976

	Total	Minority men	Minority women	Non-minority men	Non-minority women	Black	Hispanic	Native American	Asian American
Investigators:									
GS-10	600	102	13	452	33	60	45	2	8
GS-11	3	1	0	2	0	0	1	0	0
GS-13	2	0	0	2	0	0	0	0	0
GS-15	1	0	0	1	0	0	0	0	0
Total	606	103	13	457	33	60	46	2	8
Percent		17.0	2.1	75.4	5.4	9.9	7.6	.3	1.3
Other Occupations:									
GS- 2	3,962	270	833	1,561	1,298	952	118	6	27
GS- 3	994	16	204	80	694	172	39	3	6
GS- 4	883	10	74	147	644	70	12	2	4
GS- 5	112	4	6	57	43	9	2	0	1
GS- 6	11	0	0	6	5	0	0	0	0
GS- 7	34	1	1	21	11	2	0	0	0
GS- 8	1	0	0	1	0	0	0	0	0
GS- 9	29	3	1	15	10	0	1	0	3
GS-10	1	0	0	0	1	0	0	0	0
GS-11	6	1	0	4	1	0	0	0	1
GS-12	3	0	0	2	1	0	0	0	0
GS-13	5	0	0	5	0	0	0	0	0
GS-14	2	0	0	2	0	0	0	0	0
$6,001-$10,000	33	4	0	23	6	4	0	0	0
$13,001-$15,000	15	0	0	15	0	0	0	0	0
Total	6,095	319	1,119	1,939	2,718	1,209	172	11	46
Percent		5.2	18.4	31.8	44.6	19.8	2.8	.2	.8
TOTAL	6,701	422	1,132	2,396	2,751	1,269	218	13	54
Percent of total		6.3	16.9	35.8	41.0	18.9	3.3	.2	.8

APPENDIX III

NINETY-FOURTH CONGRESS

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CARLOS J. MOORHEAD, CALIF.
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ALAN F. COFFEY, JR.
KENNETH N. KLEE
RAYMOND V. SMIETANKA

Congress of the United States
Committee on the Judiciary
House of Representatives
Washington, D.C. 20515
Telephone: 202-225-3951

July 29, 1976

The Honorable Elmer B. Staats
Comptroller General of the United States
General Accounting Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Staats:

The Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee has recently concluded a series of hearings on equal employment opportunity at the Department of Justice. In three days of hearings, my Subcommittee received testimony from several civil rights organizations which charged that minorities and women have been excluded from employment and promotion opportunities at the Justice Department.

We plan to continue monitoring the agency's employment practices over the next year to determine the progress of the Justice Department towards meeting the equal opportunity mandate. To assist the Subcommittee in the performance of its oversight function, I would like to request that the General Accounting Office study and evaluate the operation of the affirmative action program of the Department of Justice and each of its component organizations. The inquiry should focus on the entire range of policies and practices impacting on the structure and implementation of the affirmative action program, recruitment, selection, promotion, training, assignment, management, and the complaint process.

The Subcommittee has tentatively scheduled further hearings on this issue for early in the 95th Congress, and we would appreciate a report at that time from the GAO on your findings and recommendations. If I or my staff can assist in any manner towards your efforts in this study, please contact me.

Thank you once more for your continued assistance.

Sincerely,

Don Edwards

Don Edwards
Chairman
Subcommittee on Civil
and Constitutional Rights

DE:vs

PREVIOUSLY ISSUED REPORTS

RELATING TO AFFIRMATIVE ACTION PROGRAMS

Report to the Congress entitled "System for Processing Individual Equal Employment Discrimination Complaints: Improvements Needed," FPCD-76-77, February 8, 1977.

Report to the Congress entitled "Problems in the Federal Employee Equal Opportunity Program Need to be Resolved," FPCD-76-85, September 9, 1977.

Report to the Congress entitled "Problems with Federal Equal Employment Guidelines on Employee Selection Procedures Need to be Resolved," FPCD-77-54, February 2, 1978.

Report to the Congress entitled "The Immigration and Naturalization Service's Affirmative Action Program Should be Improved," FPCD-78-18, March 28, 1978.

Report to the Congress entitled "The Drug Enforcement Administration's Affirmative Action Program Should be Improved," FPCD-78-31, March 30, 1978.

Letter report to the Attorney General regarding the EEO program at the U.S. Marshals service, FPCD-78-24, March 6, 1978.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

July 5, 1978

Mr. Victor L. Lowe
Director
General Government Division
U. S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Lowe:

Thank you for the opportunity to comment on the General Accounting Office's draft report received June 21, 1978, entitled, "The Federal Bureau of Investigation's Affirmative Action Program Should Be Improved," which furnished FBI statistics for the period June, 1974, through December, 1976. We do want to respond to certain of your findings and to report on steps taken or planned to improve our Affirmative Action Program.

As indicated in your report, the representation of females and minorities in the higher level positions in the FBI is inadequate. This paucity is a direct result of their under-representation in our Special Agent position, the FBI's key professional occupation, which has the highest grade levels and affords the greatest promotional opportunities. The need for drastic improvement in the representation of women and minorities within the Special Agent position is well recognized by FBI management and highly concerted efforts are currently being undertaken to insure measurable gains will be achieved in this area in as short a time as possible.

Concerning this increased emphasis on the recruitment of minorities and females for the Agent position, it is important to note that since William H. Webster became Director of the FBI in February, 1978, he has indicated his personal interest in and support for increasing the number of minorities and women Special Agents. Reflective of this are comments he made during a press conference held on March 29, 1978, at which time he stated:

"I am not satisfied with our progress in developing minority participation among the Special Agents. I understand all the reasons in the past. We were limited by budgetary restrictions and new hiring. We did in the past encounter competition from other agencies seeking to accomplish the same objective with the same high standards which we have. But I think now that we are putting those excuses aside and we are moving in to accentuate our program. We have about 93 women, and the response to recent publicity about women Agents has been very good, a lot of inquiries and the curve is good. I'm not satisfied with the curve on the Hispanics and Blacks, and I have been taking a number of steps both in and outside the Bureau to correct this situation, and I have been very pleased at the responsiveness of the people to whom I have issued instructions within the Bureau to meet this need."

Indicative of the aggressive leadership role Director Webster has taken in the area of minority and female recruitment, are the instructions issued in his memorandum to all Special Agents in Charge (SACs) dated April 11, 1978, copy attached. In this directive, he reiterates his total commitment to affirmative action in the hiring of minority and female Agents and he informs the SACs that they hold the primary responsibility for the implementation of effective recruiting programs within their office.

Because of the limited success attained previously despite the emphasis placed on the recruitment of minorities and women, at the request of Director Webster, a seminar was held in May of this year at our training facility in Quantico, Virginia. Participants included FBI recruiters, minority and women Agents, and individuals from other law enforcement agencies who met to exchange ideas and better facilitate our recruiting efforts with regard to minorities and females for the Agent position. As a result of the input achieved during this seminar as well as other expanded recruiting efforts, positive gains in the recruitment of women and minorities are just beginning to be realized. Although our training classes are small, they have recently begun showing the results of these enhanced efforts.

With regard to the specific areas in which it is mentioned that corrective action should be taken, the following is being submitted.

As previously indicated, Director Webster has increased the level of accountability with regard to monitoring and reporting on minorities and females in the Agent selection process. In this connection, under a revised reporting system begun in March, 1978, the number of minorities and women applying for the Agent position is closely monitored by the Applicant and Placement Unit through the testing, interviewing, and investigative phases of the Agent selection process. It is considered more feasible to require the Applicant and Placement Unit to continue the basic monitoring of each application in view of the extremely high volume of applicants processed and the availability of more personnel within that unit for such monitoring which is done in connection with management of the selection process. In this regard, the Office of EEO Affairs will continue to monitor the overall Special Agent Recruitment Program as well as conduct "spot" checks in those areas where it is deemed necessary to insure no systemic discriminatory practices are present in the selection process.

In connection with the FBI's Special Agent selection process, it is important to note that an entirely new selection system has been implemented since your on-site audit was conducted. This New Special Agent Selection System (NSASS) was devised after extensive research was conducted, including wide consultation with outside experts in the areas relating to development of job related selection procedures. Since the inception of the NSASS, continuing evaluations are made by the Office of Institutional Research of the FBI's Training Division to determine if any adverse impact exists within the testing and interviewing stages against minorities and females. Statistical analyses are done on a continuing basis to ensure the process continues to operate without adverse impact on these groups.

It has also been recommended that the FBI monitor the accession of Special Agents for whom qualification requirements have been waived to determine if this procedure discriminates or has the potential to discriminate. As one of the changes resulting from the implementation of the NSASS, such waivers no longer occur. At present, the only qualification waived is that of age, and this is done only upon the approval of the Attorney General.

Concerning the recommendation that the FBI's Discrimination Complaints System be separated from its personnel function, it should be noted that a transfer of these functions to another area outside of the Personnel Section is being reviewed to determine where the office should be located to insure maximum effectiveness of all its operations including affirmative actions and complaint processing.

The conclusion that a high priority has not been set by the FBI in staffing the EEO Officer position is totally erroneous. Because of highly unusual circumstances in 1977, it was true that there were four different EEO Officers that year. The position of EEO Officer, as well as almost all other supervisory positions at FBI Headquarters (HQ), are filled by the most qualified individuals from our ranks of field investigators. Based on demonstrated ability, these individuals are then placed in consideration for higher supervisory positions such as Assistant Special Agent in Charge of one of our field offices, which vacancies occur only on a rather infrequent basis. However, because of the enactment of mandatory retirement at age 55, an extremely high volume of Special Agents retired in 1977, thus accounting for a large number of vacancies in our supervisory ranks. Rather than hold back individuals serving as EEO Officer, they were permitted to compete for these vacancies the same as other FBIHQ supervisory personnel, thereby accounting for the high turnover of EEO Officers during 1977. Our current EEO Officer was selected in 9/77 and no changes are envisioned in this position in the foreseeable future. It is believed a truer picture can be depicted if the turnover of the FBI EEO Officer position is reviewed for the past twelve years.

Appointment	From	To
A	1966	8/73 (7 years +)
B	8/73	8/75 (2 years)
C	8/75	1/77 (1 year,4 months)
D	1/77	7/77 (6 months)
B*	7/77	9/77 (2 months)
E	9/77	PRESENT (9 months)

* Previously served for 2 years as EEO Officer.

In addition, the fact that our EEO Officer does not have a specific job description for his EEO duties does not indicate low priority for the position since all FBIHQ supervisory duties performed by Agent personnel are encompassed in a generalized job description which includes those for EEO responsibilities. The FBI is an investigative agency managed by its law enforcement personnel at all levels, including the EEO Program, and this practice is considered vital in enabling management to be closely identified with the agency's investigative missions as well as in articulating and responding to problems arising within its Centralized Personnel Management System. The EEO Officer is, of course, selected and certified as having the qualifications necessary to perform EEO responsibilities.

Concerning the working relationship between the FBI's Office of EEO Affairs and the Justice Department's EEO Office, the FBI's EEO staff is unaware of any difficulties in the working relationship maintained between them and that of the Department. Direct contact is maintained between the two offices on a case-by-case basis in order to resolve problems as they arise. Concerning the need for clearance by top officials on EEO matters, this practice has presented no problems within the FBI and is actually considered an excellent device by which top management is kept involved in the EEO process.

Concerning your recommendation to discontinue the disproportionate use of top management personnel as EEO counselors, the following is being pointed out. As part of the FBI's efforts to sensitize its managerial force regarding our EEO Program, Assistant Special Agents in Charge and Deputy Assistant Directors are assigned to EEO counseling responsibilities. Such assignment is considered an effective tool in insuring management is fully integrated into the whole sphere of EEO activities, thus making them more aware of and responsive to the needs of their employees. Employees have the opportunity of selecting another counselor if they so desire. While it is our opinion that these management personnel should be retained as counselors for employees electing to utilize their services, efforts will be undertaken to insure that other EEO counselors would be more representative of the work entity in which they serve. In addition, it is noted that in response to a Civil Service Commission directive in May, 1977, EEO counseling responsibilities are now included in the job descriptions of FBI EEO counselors.

As can be seen from the foregoing, every effort is being made to correct problem areas within our affirmative action program. It would be most regrettable if, at a time when such "all out" efforts are being implemented to improve our representation of minorities and women, this report would lessen our credibility with the minority organizations from whom we have sought assistance and thus result in a negative impact on our recruiting efforts. It is hoped that due recognition will be given to the internal efforts being made to affect change in the FBI.

Sincerely yours,

John J. McDermott
Assistant to the Director -
Deputy Associate Director

Enclosure

APPENDIX V

PERSONAL ATTENTION
MEMORANDUM 14-78

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON D.C. 20535

April 11, 1978

Memorandum to All Special Agents in Charge:

RE: MINORITY AND FEMALE SPECIAL AGENTS

As all of you are aware, the representation of minorities and females in the Special Agent ranks is inadequate. At present, we do not have a sufficient number of female and minority Special Agents to do our job effectively. I have faced up to this problem on several recent occasions, including my appearances before Congressional committees, outside groups, and the media. I am determined to see that this situation is rectified, and, therefore, call on you to give your personal attention and leadership to recruiting efforts designed to attract candidates from these groups.

This should not be interpreted as an indication that the Bureau will be lowering its standards or qualifications for Special Agent applicants. Nor is it a call for reverse discrimination. To the contrary, our need for minority and female Agents is an objective fact and we must work to attract highly qualified minority and female applicants for a career in the FBI. Every effort must be made to increase the representation of these groups within the ranks of the Special Agents. The progress of each field office will be monitored by my office. Monthly employment summaries and other available data will be analyzed to insure that we are meeting our goal.

I will be personally meeting and working with national leaders and minority groups to enlist their ideas and support for the Bureau's efforts in this area. The EEO Office here at Headquarters will continue working with these groups at both national and regional levels to insure that our message is getting across. Within the territory of each field office, however, SACs must initiate and develop contacts in addition to following up on the contacts made by those persons here at Headquarters. In conjunction with minority Special Agents, SACs should personally contact colleges and universities with substantial minority enrollment.

Memorandum to All Special Agents in Charge
Re: Minority and Female Special Agents

Special emphasis should be placed on contacting law schools and accounting schools with recognized minority organizations, e.g. law and accounting students' associations representing minorities and women. Many of our most promising contacts in the past have been at the local level, and I plan to continue the SAC's traditional role in the area of recruiting. Moreover, analysis has shown that the personal approach of Agent to prospective applicant is most successful. If, however, there is a need for assistance from Headquarters (e.g. support from the EEO Office or an appearance by a Bureau executive at some function), contact Special Agent Don S. Tokunaga, the Bureau's EEO Officer. Even under such circumstances the SAC retains primary responsibility for the successful implementation of these policies in his field division.

In the one year period prior to February 28, 1978, only two field offices were credited with the successful recruitment of more than two minority Agents who entered on duty in that period. I am confident that you can and will demonstrate significant improvement at an early date.

William H. Webster
Director

GAO note: We recognize that there may be inconsistencies between our findings and current FBI practice. We received their comments too late to fully evaluate them.

4-11-78
MEMORANDUM 14-78 - 2 -

PRINCIPAL OFFICIALS OF THE DEPARTMENT OF JUSTICE RESPONSIBLE FOR ADMINISTERING ACTIVITIES DISCUSSED IN THIS REPORT

	Tenure of office	
	From	To
ATTRONEY GENERAL:		
Griffin B. Bell	Jan. 1977	Present
Edward H. Levi	Feb. 1975	Jan. 1977
William B. Saxbe	Jan. 1974	Feb. 1975
ASSISTANT ATTORNEY GENERAL, ADMINISTRATION:		
Kevin D. Rooney	May 1977	Present
Glen E. Pommerening	Jan. 1974	Apr. 1977
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION:		
William H. Webster	Feb. 1978	Present
Clarence M. Kelley	July 1973	Feb. 1978

(964098)